

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00823-RBW

FRANCIS et al v. INTERNAL REVENUE SERVICE

Assigned to: Judge Reggie B. Walton

Case: 1:19-cv-00949-RBW

Cause: 05:552 Freedom of Information Act

Date Filed: 04/06/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff**BRAD S. FRANCIS**

represented by **BRAD S. FRANCIS**
 9704 North Holmes St.
 Kansas City, MO 64155
 (816) 812-3600
 Email: all4_laissez.faire@yahoo.com
 PRO SE

Plaintiff**CHRISTINE C. FRANCIS**

represented by **CHRISTINE C. FRANCIS**
 9704 North Holmes Street
 Kansas City, MO 64155-2098
 816-812-3600
 PRO SE

V.

Defendant**INTERNAL REVENUE SERVICE**

represented by **Joseph E. Hunsader**
 U.S. DEPARTMENT OF JUSTICE
 Tax Division
 P.O. Box 227
 Ben Franklin Station
 Washington, DC 20044
 (202) 514-0472
 Fax: (202) 514-6866
 Email: joseph.e.hunsader@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Bryce Miller
 U.S. DEPARTMENT OF JUSTICE
 Tax Division
 P.O. Box 227
 Washington, DC 20044
 (202) 616-3448
 Email: Matthew.B.Miller@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/06/2018	<u>1</u>	COMPLAINT against INTERNAL REVENUE SERVICE (Filing fee \$ 400, receipt number 4616090443) filed by BRAD S. FRANCIS, CHRISTINE C. FRANCIS. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(td) (Entered: 04/12/2018)
04/10/2018		SUMMONS (4) Issued as to INTERNAL REVENUE SERVICE, U.S. Attorney and U.S. Attorney General (td) (Entered: 04/12/2018)

05/09/2018	<u>2</u>	MOTION for CM/ECF Password by BRAD S. FRANCIS, CHRISTINE C. FRANCIS (ztd) (Entered: 05/11/2018)
05/11/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/30/2018. (Answer due for ALL FEDERAL DEFENDANTS by 5/30/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/30/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. INTERNAL REVENUE SERVICE served on 5/1/2018 (Attachments: # <u>1</u> Sessions, # <u>2</u> IRS, # <u>3</u> Zuckerman)(ztd) (Entered: 05/17/2018)
05/14/2018		MINUTE ORDER. Upon consideration of the plaintiffs' <u>2</u> Motion for CM/ECF User Name and Password, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the Clerk of the Court shall forthwith ISSUE a CM/ECF User Name and Password to the plaintiffs. Signed by Judge Reggie B. Walton on May 14, 2018. (lcrbw1) (Entered: 05/14/2018)
05/15/2018	<u>3</u>	NOTICE of Appearance by Matthew Bryce Miller on behalf of INTERNAL REVENUE SERVICE (Miller, Matthew) (Entered: 05/15/2018)
05/15/2018	<u>4</u>	GENERAL ORDER. Signed by Judge Reggie B. Walton on May 15, 2018. (lcrbw1) (Entered: 05/15/2018)
05/29/2018	<u>6</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Miller, Matthew) (Entered: 05/29/2018)
05/29/2018		MINUTE ORDER. Upon consideration of the defendant's <u>6</u> First Motion for Extension of Time to File Responsive Pleading, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its response to the plaintiffs' complaint on or before June 29, 2018. Signed by Judge Reggie B. Walton on May 29, 2018. (lcrbw1) (Entered: 05/29/2018)
05/29/2018		Set/Reset Deadlines: Answer to the complaint due by 6/29/2018, (hs) (Entered: 05/29/2018)
06/28/2018	<u>7</u>	Second MOTION for Extension of Time to File Answer re <u>1</u> Complaint by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Miller, Matthew) (Entered: 06/28/2018)
06/28/2018		MINUTE ORDER. Upon consideration of the defendant's <u>7</u> Second Motion for Extension of Time to File Responsive Pleading, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its response to the plaintiffs' complaint on or before July 13, 2018. Signed by Judge Reggie B. Walton on June 28, 2018. (lcrbw1) (Entered: 06/28/2018)
06/28/2018		Set/Reset Deadlines: Answer to the Complaint due by 7/13/2018, (hs) (Entered: 06/28/2018)
07/13/2018	<u>8</u>	MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter Jurisdiction</i>), MOTION to Dismiss <i>for Failure to State a Claim</i> by INTERNAL REVENUE SERVICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Declaration of Matthew Miller, # <u>3</u> Text of Proposed Order)(Miller, Matthew) (Entered: 07/13/2018)
07/23/2018	<u>9</u>	Memorandum in opposition to re <u>8</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter Jurisdiction</i>) MOTION to Dismiss <i>for Failure to State a Claim</i> filed by BRAD S. FRANCIS. (Attachments: # <u>1</u> Affidavit A, # <u>2</u> Affidavit B, # <u>3</u> Affidavit C, # <u>4</u> Affidavit D, # <u>5</u> Exhibit A, # <u>6</u> Exhibit B, # <u>7</u> Exhibit C, # <u>8</u> Exhibit D, # <u>9</u> Exhibit E, # <u>10</u> Exhibit F, # <u>11</u> Exhibit G, # <u>12</u> Text of Proposed Order Proposed Order, # <u>13</u> Certificate of Service Certificate of Service)(Francis, Brad) Modified to correct filer on 8/2/2018 (ztd). (Entered: 07/23/2018)
07/26/2018	<u>10</u>	REPLY to opposition to motion re <u>8</u> MOTION to Dismiss for Lack of Jurisdiction (<i>Subject Matter Jurisdiction</i>) MOTION to Dismiss <i>for Failure to State a Claim</i> filed by INTERNAL REVENUE SERVICE. (Miller, Matthew) (Entered: 07/26/2018)

03/21/2019	<u>11</u>	NOTICE of Appearance by Joseph E. Hunsader on behalf of INTERNAL REVENUE SERVICE (Hunsader, Joseph) (Entered: 03/21/2019)
03/31/2019	<u>12</u>	ORDER. For the reasons to be set forth in the Order to be issued by the Court within the next thirty days, absent extraordinary circumstances, the Court will grant in part and deny in part the defendant's <u>8</u> Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim. Accordingly, it is hereby ORDERED that the defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim, ECF No. 8, is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED with respect to the plaintiffs' claims seeking the release of the TXMODA transcripts for the tax years 2010 through 2016 and for certified translations of those transcripts. The motion is DENIED in all other respects. It is further ORDERED that the plaintiffs' claims seeking the release of the TXMODA transcripts for the tax years 2010 through 2016, as well as their claim seeking certified translations of the TXMODA transcripts under 28 U.S.C. § 1361, are DISMISSED WITHOUT PREJUDICE, and the plaintiffs' claims seeking certified translations of the TXMODA transcripts under the FOIA, the Privacy Act, and the APA, are DISMISSED WITH PREJUDICE. It is further ORDERED that the Clerk of the Court shall mail a copy of this Order to the plaintiffs' address on record forthwith. It is further ORDERED that this Order is not a final Order subject to appeal. Signed by Judge Reggie B. Walton on March 31, 2019. (lcrbw3) (Entered: 03/31/2019)
04/08/2019	<u>13</u>	MOTION for Reconsideration re <u>12</u> Order on Motion to Dismiss/Lack of Jurisdiction,,,,,,,,, on grounds of <i>Fed.R.Civ.P. 60(b)</i> by BRAD S. FRANCIS (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C – Affidavit, # <u>5</u> Text of Proposed Order)(FRANCIS, BRAD) (Entered: 04/08/2019)
04/12/2019	<u>14</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim, ECF No. 8, is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED with respect to the plaintiffs' claims seeking the release of the TXMODA transcripts for the tax years 2010 through 2016 and for certified translations of those transcripts. The motion is DENIED in all other respects. It is further ORDERED that the plaintiffs' claims seeking the release of the TXMODA transcripts for the tax years 2010 through 2016, as well as their claim seeking certified translations of the TXMODA transcripts under 28 U.S.C. § 1361, are DISMISSED WITHOUT PREJUDICE, and the plaintiffs' claims seeking certified translations of the TXMODA transcripts under the FOIA, the Privacy Act, and the APA, are DISMISSED WITH PREJUDICE. It is further ORDERED that the parties shall appear for a status conference on Monday, May 6, 2019, at 11 a.m., to address how this case shall proceed. It is further ORDERED that the Clerk of the Court shall mail a copy of this Order to the plaintiffs' address on record forthwith. Signed by Judge Reggie B. Walton on April 12, 2019. (lcrbw3) (Entered: 04/12/2019)